

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

LORENE G. BROCIIOUS, *as Personal* \*  
*Representative of the Estate of* \*  
JAMES COPPAGE, \*

Plaintiff, \*

v. \* Civil Action No.: 1-18-cv-03823-SAG

U.S. STEEL CORPORATION, *et al.*, \*

Defendants. \*

\* \* \* \* \*

**DEFENDANTS SUN CHEMICAL CORPORATION'S & RYCOLINE PRODUCTS,  
INC.'S JOINDER IN DEFENDANT UNITED STATES STEEL'S  
MOTION TO EXCLUDE PLAINTIFF'S EXPERT ROBERT HERRICK**

Defendants Sun Chemical Corporation and Rycoline Products, Inc., by and through undersigned counsel, hereby join in Defendant United States Steel's Motion to Exclude Plaintiff's Expert Robert Herrick (ECF No. 153) and Defendant United States Steel's Reply to Plaintiff's Opposition to Defendant's Motion to Exclude Robert Herrick (ECF No. 175), and in so doing, incorporate by reference all of the facts, grounds, and arguments stated in the Motion and Reply. In further support, Sun states as follows:

**INTRODUCTION**

Sun Chemical Corporation ("Sun") is a recognized leader in printing inks, coatings and supplies for the packaging, publication, commercial, industrial, and digital markets. Rycoline Products, Inc. ("Rycoline") is a division of Sun Chemical Corporation. Collectively, Sun and Rycoline will be referred to as "the Sun Defendants".

### ARGUMENT

In addition to the facts, grounds, and arguments contained in United States Steel's Motion and Reply, which apply equally to the Sun Defendants, the Sun Defendants argue that Dr. Herrick's opinions regarding any exposure to and/or chemical composition of any Sun Defendants' products do not have an appropriate foundation and, accordingly, are not derived from a reliable methodology. Dr. Herrick has presented no evidence that Plaintiff was exposed to any benzene containing products manufactured by any Sun Defendant.

#### I. Rycoline Products, Inc.

With regard to Rycoline, Dr. Herrick has not and cannot opine as to any Rycoline product in general nor to Mr. Coppage's alleged exposure to any Rycoline product.

Q: Then, just to be clear for the record, you have no opinion that Rycoline products contributed to Mr. Coppage's alleged benzene exposure. Correct?

(Objection omitted)

A: Yeah. I didn't see Rycoline products mentioned anywhere in the record.

Dr. Robert Herrick Deposition Transcript ("Herrick Dep."), attached hereto as Exhibit A, at p. 233:15-22.

Dr. Herrick also did not individually assess Mr. Coppage's potential benzene exposure from a specific Rycoline product. *Id.*; also see generally Dr. Robert Herrick's Expert Report, attached hereto as Exhibit B.

Dr. Herrick has presented no evidence that Mr. Coppage was exposed to any Rycoline product or that he incurred benzene exposure from a Rycoline product.

#### II. Sun Chemical Corporation

With regard to Sun, Dr. Herrick cannot identify any specific products manufactured by Sun that Mr. Coppage allegedly used during his employment.

Q: Do you have any information regarding the names of any solvents that Sun Chemical manufactured?

(Objection omitted)

A: There was – you know, it wasn't something that was specified, you know, in that level of detail, by Stallings anyway. So he identified Sun Chemical, but he didn't, you know, have any detail beyond that.

Herrick Dep., Ex. A, at p. 220:8-18.

Further, Dr. Herrick has no information regarding the benzene content nor the chemical composition of any Sun product.

Q: And if you don't know the name of the product, can you tell me the specific chemical composition of those products?

(Objection omitted)

A: This information we have, you know – and again, I'm still on my page 16 – that he described it as wash oil, clear liquid with a sweet smelling odor. I mean that was, you know, his discussion. So that's not, you know, as good as a, you know, detailed chemical analysis. But that's pretty much the information we have.

*Id.* at p. 221:7-20.

Q: I think you actually testified earlier that you have no information regarding the benzene content of any Sun Chemical solvents. Is that correct?

(Objection omitted)

A: I don't have the composition specifically.

*Id.* at p. 223:19 – 224:2.

Dr. Herrick also did not individually assess Mr. Coppage's potential benzene exposure from a specific Sun product. *See generally* Dr. Herrick's Expert Report, Ex. B.

Q: In conducting your exposure assessment, did you take into account any Sun Chemical products?

(Objection omitted)

A: Well, not uniquely, I mean.... But again, you know, it wasn't done uniquely to try to identify the contribution from the Sun products.

Herrick Dep., Ex. A, at p. 230:23 – 231:4, 231:12-14.

Again, Dr. Herrick has presented no evidence with regard to Plaintiff's exposure to any specific Sun product or the nature and extent of alleged benzene exposure from a Sun product.

### **CONCLUSION**

Dr. Herrick has provided no factual basis for his assumptions regarding Plaintiff's exposure to Sun products or the alleged benzene content of products manufactured by the Sun Defendants. Dr. Herrick's opinions are not based on valid scientific principles but rather assumptions and conjecture, and should be precluded in this matter.

WHEREFORE, for the reasons set forth above, including those contained in Defendant United States Steel's Motion to Exclude Plaintiff's Expert Robert Herrick and Defendant United States Steel's Reply to Plaintiff's Opposition, which the Sun Defendants join and are incorporated herein by reference, Defendants Sun Chemical Corporation and Rycoline Products, Inc. respectfully request that the Motion be granted and that this Court preclude Dr. Herrick from providing the unfounded opinions discussed above.

Respectfully submitted,

**/s/ Ericka L. Downie**

Thomas J. Cullen, Jr. ([tjc@gdldlaw.com](mailto:tjc@gdldlaw.com))

U.S. District of Maryland Bar # 04572

Ericka L. Downie ([edownie@gdldlaw.com](mailto:edownie@gdldlaw.com))

U.S. District of Maryland Bar # 26929

Goodell, DeVries, Leech & Dann, LLP

One South Street, 20<sup>th</sup> Floor

Baltimore, MD 21202

(410) 783-4000; (410) 783-4040 - Fax

***Attorneys for Sun Chemical Corporation and  
Rycoline Products, Inc.***

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23rd day of December 2019, a copy of the foregoing was sent, per agreement of counsel, via electronic mail, to all counsel of record in this litigation.

Melanie Joustra Garner  
Locks Law Firm  
601 Walnut St Ste 720 East  
Philadelphia, PA 19106  
12158930100  
Fax: 12158933444  
Email: [mgarner@lockslaw.com](mailto:mgarner@lockslaw.com)  
*Attorney for James Coppage*

Laura Basem Jacobs  
Budow and Noble, P.C.  
Twinbrook Metro Plaza  
Suite 540  
Rockville, MD 20814  
United Sta  
13016540896  
Fax: 13019079591  
Email: [ljacobs@budownoble.com](mailto:ljacobs@budownoble.com)  
*Attorney for United States Steel Corporation*

**Benjamin David Schuman**  
DLA Piper LLP US  
6225 Smith Ave  
Baltimore, MD 21209  
14105803000  
Fax: 14105803022  
Email: [ben.schuman@dlapiper.com](mailto:ben.schuman@dlapiper.com)  
*Attorney for BASF Corporation*

Theodore F Roberts  
Venable LLP  
210 W Pennsylvania Ave Ste 500  
Towson, MD 21204  
14104946200  
Fax: 14108210147  
Email: [tfroberts@venable.com](mailto:tfroberts@venable.com)  
*Attorney for Varn International, Inc.*

Deborah Prosser  
Jennifer M Blunt  
Kutak Rock LLP  
777 S. Figuero St. Ste. 4550  
Los Angeles, CA 90017  
2133124023  
Fax: 2133124001  
Email: [deborah.prosser@kutakrock.com](mailto:deborah.prosser@kutakrock.com)  
*Attorneys for Handschy Industries, LLC, and  
Graphic Packaging International LLC*

Jennifer M Blunt  
Kutak Rock LLP  
1625 Eye Street, NW  
Suite 800  
Washington, DC 20006  
2028282400  
Fax: 2028282488  
Email: [jennifer.blunt@kutakrock.com](mailto:jennifer.blunt@kutakrock.com)  
*Attorneys for Handschy Industries, LLC and  
Graphic Packaging International LLC*

Matthew J McCloskey  
Paul Newman Farquharson  
Stephen Salvatore McCloskey  
Semmes, Bowen & Semmes  
25 South Charles Street

Jeffrey R DeCaro  
DeCaro Doran Siciliano Gallagher and DeBlasis  
LLP  
17251 Melford Blvd Ste 200  
Bowie, MD 20715

Suite 1400  
Baltimore, MD 21201  
443-573-9405  
Fax: 410-539-5223  
Email: [mmccloskey@semmes.com](mailto:mmccloskey@semmes.com)  
*Attorneys for Union Oil Company of California  
and Ashland, LLC*

Brendan Henderson Fitzpatrick  
Jessica Pauline Butkera  
Goldberg Segalla LLP  
One North Charles Street  
Suite 2500  
Baltimore, MD 21201  
4436157513  
Fax: 4436157599  
Email: [bhfitzpatrick@goldbergsegalla.com](mailto:bhfitzpatrick@goldbergsegalla.com)  
[jbutkera@goldbergsegalla.com](mailto:jbutkera@goldbergsegalla.com)  
*Attorneys for Emco Chemical Distributors, Inc.*

Kyle LeClere  
Barnes & Thornberg  
11 South Meridian Street  
Indianapolis, IN 46204-3535  
*Attorney for Flint Ink Corporation*

Jonathan Singer  
Nelson Mullins Riley & Scarborough LLP  
100 S. Charles Street  
12th Floor  
Baltimore, MD 21201  
443-392-9409  
Fax: 443-392-9499  
Email: [jon.singer@nelsonmullins.com](mailto:jon.singer@nelsonmullins.com)  
*Attorney for Fujifilm Hunt Chemicals USA, Inc.*

Linda S Woolf  
Goodell DeVries Leech and Dann LLP  
One South St 20th Fl  
Baltimore, MD 21202  
14107834011  
Fax: 14107834040

3013524950  
Fax: 3013528691  
Email: [jdecaro@decarodoran.com](mailto:jdecaro@decarodoran.com)  
*Attorney for Hacros Chemicals, Inc.*

Steven Andrew Luxton  
Morgan Lewis and Bockius LLP  
1111 Pennsylvania Ave NW  
Washington, DC 20004  
12027395452  
Fax: 12027393001  
Email: [steven.luxton@morganlewis.com](mailto:steven.luxton@morganlewis.com)  
*Attorney for Phillips North America LLC*

Michael B. Roberts  
1301 K Street NW  
Suite 1000 East Tower  
Washington, DC 20005  
2024149288  
Fax: 2024149200  
Email: [mroberts@reedsmith.com](mailto:mroberts@reedsmith.com)  
*Attorney for Shell Oil Company and Shell Oil  
Products US, Inc.*

Eric P Weiss  
Murchison and Cumming LLP  
801 S. Grand Ave. 9th Fl.  
Los Angeles, CA 90017  
2136237400  
Fax: 2136236335  
Email: [eweiss@murchisonlaw.com](mailto:eweiss@murchisonlaw.com)  
*Attorney for Fujifilm Hunt Chemicals USA, Inc.*

Email: [lsw@gdldlaw.com](mailto:lsw@gdldlaw.com)

*Attorney for Flint Ink Corporation*

/s/ **Ericka L. Downie**

Ericka L. Downie

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